

ENTERED

June 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

STEPHEN M. HOGUE,

Plaintiff,

v.

WELLS FARGO BANK, N.A.,

Defendant.

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CIVIL CASE NO. H-23-1520

ORDER

Stephen Hogue has sued Wells Fargo, which removed the lawsuit to this court, alleging that Wells Fargo is unlawfully attempting to foreclose on his real property. (Docket Entry No. 1-4). Hogue seeks dismissal of a state-court foreclosure action, an order declaring that his mortgage loan is void because of Wells Fargo's fraudulent representations, and damages. (*Id.* at 4). Wells Fargo has moved to dismiss the complaint, (Docket Entry No. 3). Hogue has neither responded to the motion nor to Wells Fargo's communications regarding the conference required by Federal Rule of Civil Procedure 26(f). (Docket Entry No. 7 at 1). Wells Fargo states that it has attempted to communicate with Hogue by telephone and certified mail, without success. (Docket Entry No. 8 ¶ 7).

The complaint's allegations concern the origination of the loan in question, which occurred in 2007. (Docket Entry No. 1-4 ¶15). Any applicable statute of limitations has run. Hogue's allegations regarding the foreclosure sale itself are conclusory and fail to state a claim.

The court grants the motion to dismiss. The court finds that Hogue's failure to respond to the motion to dismiss or to Wells Fargo's communications indicates that this action should be dismissed for want of prosecution. An order of dismissal will be separately entered.

SIGNED on June 13, 2023, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Lee H. Rosenthal
United States District Judge